

House File 2473

HOUSE FILE _____
BY COMMITTEE ON HUMAN RESOURCES
(SUCCESSOR TO HF 2354)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to mental health, mental retardation, and
2 developmental disabilities services by revising involuntary
3 hospitalization procedures involving the county single entry
4 point process and patient advocates and authorizing counties
5 to create a special program fund for these services.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 HF 2473
8 jp/es/25

PAG LIN

1 1 Section 1. Section 229.1B, Code 2003, is amended to read
1 2 as follows:
1 3 229.1B SINGLE ENTRY POINT PROCESS.
1 4 1. Notwithstanding any provision of this chapter to the
1 5 contrary, any person whose hospitalization expenses are
1 6 payable in whole or in part by a county shall be subject to
1 7 all requirements of the single entry point process. The
1 8 single entry point process administrator or the
1 9 administrator's designee shall assist the court by determining
1 10 the person's county of legal settlement and notifying the
1 11 court of the determination. In addition, the administrator or
1 12 designee shall identify one or more appropriate hospitals or
1 13 facilities with an opening available for placement of the
1 14 person and provide this information to the court along with a
1 15 placement recommendation.
1 16 2. The county single entry point process administrator
1 17 shall develop a plan for addressing emergency examinations and
1 18 placements made under this chapter. The plan shall be
1 19 developed in consultation with representatives of the
1 20 community mental health centers and hospitals providing
1 21 emergency services in that county. The plan shall include but
1 22 is not limited to a process for the administrator or the
1 23 administrator's designee to provide the court with a placement
1 24 recommendation as required by this chapter.
1 25 3. A person who receives confidential information under
1 26 this chapter due to the person's responsibilities relating to
1 27 the single entry point process is subject to the requirements
1 28 of chapter 228, the federal Health Insurance Portability and
1 29 Accountability Act of 1996, Pub. L. No. 104-191, and other
1 30 applicable requirements intended to protect the
1 31 confidentiality of information pertaining to a respondent or
1 32 person subject to a commitment order under this chapter.
1 33 Sec. 2. Section 229.8, subsection 2, Code 2003, is amended
1 34 to read as follows:
1 35 2. Cause copies of the application and supporting
2 1 documentation to be sent to the county attorney or the county
2 2 attorney's attorney-designate for review, and to the county's
2 3 single entry point process administrator.
2 4 Sec. 3. Section 229.9A, Code 2003, is amended to read as
2 5 follows:
2 6 229.9A PATIENT ADVOCATE INFORMED.
2 7 The court shall direct the clerk to furnish the patient
2 8 advocate of the respondent's county of legal settlement with a
2 9 copy of application and any order issued pursuant to section
2 10 229.8, subsection 3. If an order is issued, the clerk shall
2 11 also provide a copy of the order to the single entry point
2 12 process administrator of the respondent's county of legal
2 13 settlement. The advocate may attend the hospitalization
2 14 hearing of any respondent for whom the advocate has received
2 15 notice of a hospitalization hearing.
2 16 Sec. 4. Section 229.11, unnumbered paragraph 1, Code 2003,
2 17 is amended to read as follows:
2 18 If the applicant requests that the respondent be taken into
2 19 immediate custody and the judge, upon reviewing the

2 20 application and accompanying documentation, finds probable
2 21 cause to believe that the respondent has a serious mental
2 22 impairment and is likely to injure the respondent or other
2 23 persons if allowed to remain at liberty, the judge may enter a
2 24 written order directing that the respondent be taken into
2 25 immediate custody by the sheriff or the sheriff's deputy and
2 26 be detained until the hospitalization hearing. The
2 27 hospitalization hearing shall be held no more than five days
2 28 after the date of the order, except that if the fifth day
2 29 after the date of the order is a Saturday, Sunday, or a
2 30 holiday, the hearing may be held on the next succeeding
2 31 business day. If the expenses of a respondent are payable in
2 32 whole or in part by a county, for a placement in accordance
2 33 with subsection 1, the judge shall give notice of the
2 34 placement to the single entry point process, and for a
2 35 placement in accordance with subsection 2 or 3, the judge
3 1 shall order the placement in a hospital or facility designated
3 2 through the single entry point process. Prior to the hearing,
3 3 the single entry point process administrator or the
3 4 administrator's designee shall provide the court with a
3 5 placement recommendation identifying one or more appropriate
3 6 hospitals or facilities with an opening available for
3 7 placement of the respondent. If determined to be in the best
3 8 interest of the respondent, the judge may order placement of
3 9 the respondent in an alternative facility in which an opening
3 10 is available. The judge may order the respondent detained for
3 11 the period of time until the hearing is held, and no longer,
3 12 in accordance with subsection 1 if possible, and if not then
3 13 in accordance with subsection 2 or, only if neither of these
3 14 alternatives is available, in accordance with subsection 3.
3 15 Detention may be:
3 16 Sec. 5. Section 229.13, subsection 1, paragraph a, Code
3 17 2003, is amended to read as follows:
3 18 a. The court shall order a respondent whose expenses are
3 19 payable in whole or in part by a county placed under the care
3 20 of an appropriate hospital or facility designated through the
3 21 single entry point process on an inpatient or outpatient
3 22 basis. The single entry point process administrator or the
3 23 administrator's designee shall provide the court with a
3 24 placement recommendation identifying one or more appropriate
3 25 hospitals or facilities with an opening available for
3 26 placement of the respondent. If determined to be in the best
3 27 interest of the respondent, the judge may order placement of
3 28 the respondent in an alternative facility in which an opening
3 29 is available.
3 30 Sec. 6. Section 229.14, subsection 2, paragraph a, Code
3 31 2003, is amended to read as follows:
3 32 a. For a respondent whose expenses are payable in whole or
3 33 in part by a county, placement as designated through the
3 34 single entry point process in the care of an appropriate
3 35 hospital or facility on an inpatient or outpatient basis, or
4 1 other appropriate treatment, or in an appropriate alternative
4 2 placement. The single entry point process administrator or
4 3 the administrator's designee shall provide the court with a
4 4 placement recommendation identifying one or more appropriate
4 5 hospitals or facilities with an opening available for
4 6 placement of the respondent. If determined to be in the best
4 7 interest of the respondent, the judge may order placement of
4 8 the respondent in an alternative facility in which an opening
4 9 is available.
4 10 Sec. 7. Section 229.14A, subsection 1, Code 2003, is
4 11 amended to read as follows:
4 12 1. With respect to a chief medical officer's report made
4 13 pursuant to section 229.14, subsection 1, paragraph "b", "c",
4 14 or "d", or any other provision of this chapter related to
4 15 involuntary commitment for which the court issues a placement
4 16 order or a transfer of placement is authorized, the court
4 17 shall provide notice to the respondent and the respondent's
4 18 attorney or ~~mental health~~ patient advocate pursuant to section
4 19 229.19 concerning the placement order and the respondent's
4 20 right to request a placement hearing to determine if the order
4 21 for placement or transfer of placement is appropriate. A copy
4 22 of the placement order or transfer authorization shall also be
4 23 provided to the single entry point process administrator of
4 24 the respondent's county of legal settlement.
4 25 Sec. 8. Section 229.14A, subsection 7, Code 2003, is
4 26 amended to read as follows:
4 27 7. If a respondent's expenses are payable in whole or in
4 28 part by a county through the single entry point process,
4 29 notice of a placement hearing shall be provided to the county
4 30 attorney and the county's single entry point process

4 31 administrator. At the hearing, the county may present
4 32 evidence regarding appropriate placement. The single entry
4 33 point process administrator or the administrator's designee
4 34 shall provide the court with a placement recommendation
4 35 identifying one or more appropriate hospitals or facilities
5 1 with an opening available for placement of the respondent.

5 2 Sec. 9. Section 229.22, subsection 2, unnumbered paragraph
5 3 2, Code Supplement 2003, is amended to read as follows:

5 4 If the magistrate orders that the person be detained, the
5 5 magistrate shall, by the close of business on the next working
5 6 day, file a written order with the clerk in the county where
5 7 it is anticipated that an application may be filed under
5 8 section 229.6. The order may be filed by facsimile if
5 9 necessary. The order shall state the circumstances under
5 10 which the person was taken into custody or otherwise brought
5 11 to a facility, and the grounds supporting the finding of
5 12 probable cause to believe that the person is seriously
5 13 mentally impaired and likely to injure the person's self or
5 14 others if not immediately detained. The order shall confirm
5 15 the oral order authorizing the person's detention including
5 16 any order given to transport the person to an appropriate
5 17 facility. The clerk shall provide a copy of that order to the
5 18 single entry point process administrator of the county where
5 19 it is anticipated that an application may be filed under

5 20 section 229.6. to the chief medical officer of the facility to
5 21 which the person was originally taken, to any subsequent
5 22 facility to which the person was transported, and to any law
5 23 enforcement department or ambulance service that transported
5 24 the person pursuant to the magistrate's order.

5 25 Sec. 10. Section 229.24, subsection 1, Code 2003, is
5 26 amended to read as follows:

5 27 1. All papers and records pertaining to any involuntary
5 28 hospitalization or application for involuntary hospitalization
5 29 of any person under this chapter, whether part of the
5 30 permanent record of the court or a county or of a file in the
5 31 department of human services, are subject to inspection only
5 32 upon an order of the court for good cause shown. Nothing in
5 33 this section shall prohibit a hospital from complying with the
5 34 requirements of this chapter and of chapter 230 relative to
5 35 financial responsibility for the cost of care and treatment
6 1 provided a patient in that hospital, nor from properly billing
6 2 any responsible relative or third-party payer for such care
6 3 and treatment.

6 4 Sec. 11. Section 331.424A, Code Supplement 2003, is
6 5 amended by adding the following new subsection:

6 6 NEW SUBSECTION. 6. a. Notwithstanding contrary
6 7 provisions of this section, a county may request approval of a
6 8 waiver by the department of management to create a special
6 9 program fund to receive moneys and to pay the direct and
6 10 indirect costs of special program services provided to persons
6 11 eligible for services payable from the services fund. In
6 12 requesting the waiver, the county shall provide information
6 13 detailing how the special fund will be used, the basis upon
6 14 which moneys will be credited and expended from the special
6 15 fund, and other information specified by the department of
6 16 management in order for the department to determine whether
6 17 the special fund will be used in a manner that is appropriate
6 18 to distinguish those uses from the uses of the services fund.
6 19 The department of management may authorize a waiver for a
6 20 specific term or an indefinite term and a waiver is subject to
6 21 other conditions that the department may apply to ensure that
6 22 the special fund is operated solely for the purposes for which
6 23 the special fund is authorized. The department's approval of
6 24 a waiver shall be based upon the department's determination
6 25 that the special fund will be only be used for managing money
6 26 for special program services provided to persons eligible for
6 27 services paid from the services fund and are appropriate to
6 28 distinguish those uses from the uses of the services fund.

6 29 b. The special program services may be provided to persons
6 30 whose service costs are attributable to the county that
6 31 created the special program fund or to other counties. In
6 32 addition to receipts from the services fund of the county that
6 33 created the special program fund, receipts from federal,
6 34 state, and other county and governments, and any other
6 35 revenues associated with the provision of special program
7 1 services shall be credited to the special program fund. The
7 2 levy limitation established pursuant to subsection 4 is not
7 3 subject to increase as a result of the creation or
7 4 administration of the special program fund. The management
7 5 plans approved pursuant to section 331.439 for the counties
7 6 purchasing services from the special program fund shall

7 7 address the services payable from the special program fund and
7 8 the administration of the special program fund.

7 9 Sec. 12. STUDY GROUP. The supreme court is requested to
7 10 convene a study group to consider issues relating to the
7 11 functions performed by patient advocates appointed under
7 12 chapter 229 and the interaction of patient advocates with
7 13 other portions of the legal and service systems for persons
7 14 with mental illness. If established, the study group shall
7 15 issue a report to the judicial branch, governor, and general
7 16 assembly with findings and recommendations on or before
7 17 December 15, 2004.

7 18 Sec. 13. IMPLEMENTATION OF ACT. Section 25B.2, subsection
7 19 3, shall not apply to this Act.

7 20 HF 2473

7 21 jp/es/25